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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 ALLSTATE INSURANCE COMPANY;  
10 ALLSTATE PROPERTY & CASUALTY  
11 INSURANCE COMPANY; ALLSTATE  
12 INDEMNITY COMPANY; and ALLSTATE  
13 FIRE & CASUALTY INSURANCE  
14 COMPANY,

15 Plaintiffs,

16 v.

17 PETER MARIO BALLE, D.C.; SEBASTIAN  
18 P. BALLE, M.D., ARTHUR ROSSI, D.C.;  
19 RICHARD CHARETTE; ELITE ATL, LLC.,  
20 ACCIDENT INJURY MEDICAL CENTER,  
21 INC.; ACCIDENT TRIAL LAWYERS, LLC.;  
22 REAL TIME MARKETING, INC.; EXPERT  
23 MANAGEMENT, INC.; ANDREW TAYLOR;  
24 RAMSEY AND ASSOCIATES, INC.; and  
25 DENNIS RAMSEY.

26 Defendants.

Case No. 2:10-cv-02205-APG-NJK

**ORDER**

(Def.' Objections to Magistrate Judge Order  
Granting Emergency Motion to Permit  
Designation of Forensic Accountant Expert-  
dkt. no. 328)

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Before the Court is Defendants Accident Injury Medical Center, Inc. and Sebastian P. Balle, M.D.'s ("Defendants") Objection [Dkt. #328] to Magistrate Judge Koppe's October 10, 2013 Order [Dkt. #319] granting Plaintiffs' Emergency Motion to Permit Designation of a Forensic Accountant Expert.

A magistrate judge's order should be set aside only if it is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); LR IB 3-1(a); 28 U.S.C. § 636(b)(1)(A); *Laxalt v. McClatchy*, 602 F. Supp. 214, 216 (D. Nev. 1985). A magistrate judge's order is "clearly erroneous" if the court has

1 “a definite and firm conviction that a mistake has been committed.” See *United States v. U.S.*  
2 *Gypsum Co.*, 333 U.S. 364, 395 (1948); *Burdick v. Comm’r IRS*, 979 F.2d 1369, 1370 (9th Cir.  
3 1992). The magistrate judge “is afforded broad discretion, which will be overruled only if  
4 abused.” *Columbia Pictures, Inc. v. Bunnell*, 245 F.R.D. 443, 446 (C.D. Cal. 2007). The district  
5 judge “may not simply substitute its judgment” for that of the magistrate judge. *Grimes v. City*  
6 *and County of San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991) (citing *United States v. BNS,*  
7 *Inc.*, 858 F.2d 456, 464 (9th Cir.1988)).

8 Defendants’ Motion does not raise any issue or argument that creates a “definite and firm  
9 conviction that a mistake has been committed.” Therefore, Defendants’ Motion is denied.

10 IT IS SO ORDERED this 5<sup>th</sup> day of December, 2013.

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14 ANDREW P. GORDON  
15 UNITED STATES DISTRICT JUDGE  
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